

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-804 MMC

Plaintiff,

**ORDER SETTING BRIEFING  
SCHEDULE ON DEFENDANT'S  
MOTION TO VACATE, SET ASIDE OR  
CORRECT SENTENCE**

v.

MIMI WANG,

Defendant

Before the Court is defendant's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody," filed December 5, 2012.

In her motion, defendant alleges that her conviction, obtained by plea of guilty, should be vacated on the ground that she received ineffective assistance of counsel. In support of such allegation, defendant asserts that although her trial counsel advised her "not to accept the plea offers because he could get [her] a better deal," he failed to evaluate those offers for "sentencing parity," and, ultimately, she received a "harsher disparate sentence from the same court than other defendants with similar crimes and criminal history." (See Mot. at 5.)

"Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney . . . ." 28 U.S.C. § 2255(b). Here, neither the motion nor the case

1 record on file conclusively demonstrates defendant is entitled to no relief based on her  
2 claim of ineffective assistance.

3 Accordingly, the Court sets the following briefing schedule:


4 1. No later than January 18, 2013, the government shall file its response to the  
5 motion.

6 2. No later than February 15, 2013, defendant shall file any reply.

7 3. As of February 15, 2013, the Court will take the matter under submission.

8 **IT IS SO ORDERED.**

9  
10 Dated: December 14, 2012

  
MAKINE M. CHESNEY  
United States District Judge